

REMARKS

Notwithstanding Applicant's previous response and distinguishing remarks, the FINAL Office Action has continued to reject all claims 1-20.

Response to Rejections under 35 U.S.C. 102

Claims 1, 3-9, 11-18 and 20 stand rejected under U.S.C. 102(b) as allegedly anticipated by Okabe et al. (US Patent. No. 6,535,778). Applicant respectfully requests reconsideration and withdrawal of this rejection. A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See, e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Anticipation requires that each and every element of the claimed embodiments be disclosed in a single prior art reference. See e.g., *In re Paulsen*, 30 F.3d 1475, 31 USPQ 2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ 2d 1655 (Fed. Cir. 1990).

Okabe, however, does not disclose each and every element of independent claims 1, 9, and 16. Applicant, therefore, respectfully traverses the rejections on this basis. In addition, Okabe does not recognize the advantage of Applicant's invention.

Among these rejected claims, claims 1, 9 and 16 are independent. Remarks are provided regarding to patentability of the independent claims and claims depended thereto, respectively.

The Claimed Tool Stocking and Sorting System is not Disclosed by Okabe

The Office Action (page 2) states that Okabe teaches “a tool stocking and sorting system”. Okabe, however, teaches nothing about handling “tools”, let alone a system and method for tool stocking and sorting. Indeed, the undersigned performed an electronic word search of the entire Okabe patent, and neither of the words “tool” or “sort” in any form exist in that reference. Without these fundamental elements of the claimed embodiments, the rejections under 35 U.S.C. § 102 simply cannot be upheld.

In addition, the lots taught by Okabe and the tools taught in the claimed embodiments are different in nature. The lot taught by Okabe is the subject matter that is actually being processed; while the tool taught in the claimed embodiments is used during process procedures but not being processed itself, and can be reused repeatedly. Because the tools can be reused, a difference in usage frequency is generated among different tools. The claimed embodiments provides three distinct storages (i.e., the “first tool storage”, “second tool storage”, and “third tool storage”) for storing tools from currently in use to left unused. On account of the difference in nature, the method of handling tools taught by the claimed embodiments cannot be anticipated by the method of processing lots taught by Okabe.

Accordingly, the “tool stocking and sorting system and method” of claims 1, 9 and 16 are not disclosed by Okabe, and the rejections under 35 U.S.C. § 102 cannot properly be supported.

The third tool storage is not disclosed by Okabe

The Office Action (page 2) states that Okabe teaches “first tool storage”, “second tool storage”, and “third tool storage” (See Column 2, lines 44-52, and Fig. 9 of Okabe).

In Column 2, lines 44-52, and Fig. 9 of Okabe, Okabe teaches “a hold stocker for holding each lot in a standby state”. The hold stocker is used to hold a preceding lot and a subsequent lot in a standby state. In addition, in lines 48-50, Okabe teaches “a pre-treatment processing equipment for pre-treating each lot brought out from said hold stocker on the basis of standby release order”.

According to Okabe, the hold stocker stores each and every lot, which is to be processed by the pre-treatment processing equipment. In contrast, the “third tool storage” of the present application is used to store tools not in use. The lots stored in the hold stocker of Okabe, however, are in “a standby state”, and are going to be treated by the pre-treatment processing equipment on the basis of standby release order. For one skilled in the art, “a hold stocker for holding each lot in a standby state” (Column 2, lines 44-52, and Fig. 9 of Okabe) does not disclose the technical features of the third tool storage storing tools not in use (claims 1, 9 and 16).

Accordingly, the “third tool storage” of claims 1, 9 and 16 is not properly disclosed by Okabe.

The host system is not disclosed by Okabe

The Office Action (page 2) states that Okabe teaches “a host system (11) adapted to re-locate the first, second, and third tools among the first, second, and third

storages as a function of demand data pertaining to a product corresponding to the respective tool” (See Column 8, lines 32-34).

However, in Column 8, lines 32-34, Okabe teaches a FA computer and equipment control terminal 16. The FA computer 11 comprises a reference information storage section 13, a product in-process information storage section 14, a collected data storage section 15, and an arithmetic unit control section 12. These components of FA computer 11 have nothing to do with “tools” used in the manufacturing process. There, the FA computer 11 has nothing to do with “tool” of claims 1, 9 and 16.

As understood by persons skilled in the art, the lot treatment control provided by Okabe does not disclose the technical features of the “tool stocking and sorting system and method” of the claimed embodiments. Accordingly, the FA computer of Okabe is different from the host system of claim 1. The host system of claim 1 is not disclosed by Okabe.

Turning now to the specific claims, independent claims 1, 9, and 16 specifically recite:

1. ***A tool stocking and sorting system***, comprising:
first tool storage storing a first tool currently in use;
second tool storage storing a second tool not currently in use;
third tool storage serving as an outlet for a third tool not in use; and

a host system adapted to re-locate the first, second, and third tools among the first, second, and third storage as a function of demand data pertaining to a product corresponding to the respective tool.

9. ***A tool stocking and sorting method***, comprising:
providing first, second and third tool storage storing first, second, and third tools respectively; and

relocating the first, second, and third tools among the first, second, and third tool storage as a function of demand data pertaining to a product corresponding to the respective tool.

16. ***A computer readable storage medium for storing a computer program providing a tool management method controlling storing and sorting of tools in a manufacturing system***, the method comprising:

receiving first and second time limits;

calculating a first idle time and resetting the first idle time ***when demand data of a product corresponding to a first tool is received***;
issuing a first transfer command ***to move the first tool from first tool storage to second tool storage*** when the first idle time exceeds the first time limit;

calculating a second idle time and resetting the second idle time when demand data of the product corresponding to a second tool is received; and

issuing a second transfer command to move the second tool from second tool storage to third tool storage when the second idle time exceeds the second time limit.

(*Emphasis added.*) Simply stated, independent claims 1, 9, and 16 patently define over Okabe for at least the reasons that Okabe fails to disclose the features emphasized above.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. Anticipation requires that each and every element of the claimed embodiments be disclosed in a single prior art reference. Okabe does not disclose each element of the claims 1, 9 and 16. Accordingly, the teachings of claims 1, 9 and 16 cannot be anticipated by the cited prior art, and the rejections of claims 1, 9 and 16 should be withdrawn.

As all remaining claims depend from claims 1, 9, or 16, all remaining claims patently define over the cited art for at least the reason that claims 1, 9, and 16 define over Okabe.

Conclusion

In view of the foregoing remarks, Applicant respectfully requests reconsideration of the application and the timely allowance of claims.

If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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